

December 15, 1999

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CALFED

Review of Agency Administrative Draft - Response to Comments Document for the
CALFED Programmatic EIS/EIR

The Department of Water Resources has reviewed the first Agency Administrative Draft - Response to Comments Document for the CALFED Bay-Delta Program's June 1999 Draft Programmatic Environmental Impact Statement /Environmental Impact Report. The Department is submitting the following comments.

General Comments and Observations

1. Many stakeholders had a difficult time finding information of interest in the volumes of text that comprise the PEIR/EIS and its appendices. CALFED's clarification and referencing of the desired material will be helpful to the commenters. (Kent Nelson 227-7549)
2. Unfortunately, comments on various elements of the PEIS/EIR related to the Delta had not been compiled at the time of this review. These elements include: *Affected Environment; No Action Alternative; Consequences – Program Elements Common to All Alternatives; and Affected Environment – Existing Conditions*. Additionally, the RTC is lacking responses to comments on *Mitigation Strategies*, and *Potentially Unavoidable Impacts*. These are two very important components of the overall Program. (Kent Nelson 227-7549)

Volume I

CR 2.2 -- First sentence at top of Page 3 is very confusing and doesn't read well. Somehow the information concept is lost. Sentence starts "New storage....."
(Kent Nelson 227-7549)

CR 2.2 -- First sentence of Paragraph 2 would benefit from offering a couple of examples of how new facilities will ensure "a level of water quality that protects...." (Kent Nelson 227-7549)

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CR 2.4 -- The concept in Paragraph 2 would be strengthened if it committed to a review of the effectiveness of the various existing water use efficiency programs. (Kent Nelson 227-7549)

CR 2.4 -- In Paragraph 3 CALFED promises to provide various forms of assistance through the Water Use Efficiency Program. Will there be some enduring CALFED oversight committee to fulfill this promise? (Kent Nelson 227-7549)

CR 4.1 -- Second page, objectives 1-5: Objective 2 uses the verb "Improve". This is a very generic term. I think the audience would prefer more specific terms such as "Increase". Objective 3 uses the phrase "Increase the adequacy". Again, this is a very nebulous phrase. Be more specific, i.e. "Improve the reliability", or "Increase the quantity and quality." (Kent Nelson 227-7549)

CR 13, 4th paragraph -- SB 970 *does not* clarify water rights protection, although this may have been the author's intent. Language used in last paragraph of Water Transfers 003 is more appropriate. It reads as follows: "...Governor Davis has signed legislation (SB 970) that includes additional water rights protection provisions." (Linda Ackley 653-7485)

IA-4.1-1 -- The issue of "mitigation for mitigation" is not adequately responded to here. CALFED needs to come to grips with how it will address this issue without setting an undesirable precedent. Mitigation for mitigation can be an endless endeavor. (Kent Nelson 227-7549)

Volume II

Page 117 -- Clearinghouse section needs to be updated. Also, use of the term "will" in reference to Clearinghouse and other CALFED initiatives is inappropriate since the legislative outcomes are speculative. (Linda Ackley 653-7485)

Water Transfers 1.2-4, p.9 -- Second to the last sentence. SWRCB does not treat all transfer proposals as "temporary changes." (Linda Ackley 653-7485)

Water Transfers 2.1-2 -- Last paragraph. Too strong a characterization to refer to the movement toward a standardized process as a "requirement ... that otherwise might not be required." This conflicts with statements that CALFED does not have

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any legal or regulatory jurisdiction. The role seems best described with terms such as "facilitate", "recommend", "promote..." (Linda Ackley 653-7485)

Water Transfers 4.4.1-3 -- Again, use of the term "will" communicates more conviction than is justifiable in the legislative context. (Linda Ackley 653-7485)

Water Transfers 4.5.1-1 -- The response fails to emphasize that the No Injury Rule inherently involves a fact-driven, case-by-case, analysis to protect other legal users of water and the environment. This means that by its nature, it evades standardization and templates. (Linda Ackley 653-7485)

Water Transfers 00-3 -- Last paragraph. Add sentence saying, SB 970 attempted to shorten and streamline the transfer approval process administered by the SWRCB. (John Pacheco 653-6426)

Water Transfers 00-4, Water Transfers 00-5 and Water Transfers 00-6 -- Partial response. Agency actions are legislatively, not administratively, driven. Further, there is not agreement on what constitutes unnecessary constraints on transfers. "Make changes to existing rules and procedures" (Water Transfers 00-4) conflicts with characterization in Water Transfers 1.1-2 that CALFED "does not propose any changes to current legal or regulatory requirements." (Linda Ackley 653-7485)

Water Transfers 4.4-3 -- First sentence not correct, delete "be" as follows, "CALFED agrees that water transfers should not ~~be~~ result in significant, unmitigated impacts to..." (John Pacheco 653-6426)

Water Transfers 4.4.2-1 -- Modify second sentence to read as follows: "Generally referred to as conjunctive use or groundwater banking, this process allows existing groundwater resources to be managed to allow carryover of existing supplies or to produce additional water supplies - either for use locally to meet growing needs or for temporary transfer." (John Pacheco 653-6426)

Water Transfers 4.5.1-1 -- Second sentence add "to" as follows: "The California Water Code contains several provisions directing agencies with jurisdiction to approve water transfers to only approve a transfer if other legal users of water are not adversely..." (John Pacheco 653-6426)

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If you have any questions regarding these comments or need further information, please call the person making the comment directly or call John Pacheco of my staff at 653-6426.

Original Signed By

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John Pacheco:Tina Glorioso
Agency Draft.wpd
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